

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23424 of 1996

Dated: 30.06.2006

Between

Bheem Reddy Bapi Reddy

.....Petitioner

and

1.The District Collector, Khammam District
Khammam. and others.

....Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23424 of 1996

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not regularizing the ownership and possession of the land to an extent of Ac.10-00 in S.No.1031/2 of Marlapadu village, Khammam District assigned in lieu of patta land of the petitioner measuring Ac.20-00 out of Ac.26.18 guntas sub-merged in Nallakunta Tank in Sy.No.1027 and 1028 as illegal and arbitrary.

It is the case of the petitioner that his grand father was the owner of an extent of Ac.26.18 in S.Nos.1027 and 1028. In the year 1954, the Zilla Parishad authorities have repaired the Nalla Kunta Tank situated in Marlapadu village. Due to the formation of the said tank, the land to an extent of Ac.20.00 was sub merged. When some objections were raised, Ac.10-00 of Government land held by the local land less poor was given to the petitioner's grand father in lieu of the sub merged land. This was reduced into writing on 12.7.1954 in the presence of the then Tahsildar and the same was acted upon. Ever since 1954, they have been in possession and enjoyment of the same and the same is reflected in the revenue records also. Thereafter, several representations were made year after year for regularizing the patta in respect of Ac.10-00 in S.No.1031/2 and to pay compensation for the rest of Ac.6.18 cents of land. During the year 1979 the Tahsildar imposed

10 times penalty by issuing B Memos treating the land in their possession as Government land. Aggrieved by the same, they filed appeal before the Revenue Divisional Officer under Section 10 of the A.P. Land Encroachment Act 1905 and the Revenue Divisional Officer granted the stay of the operation of the order of the Tahsildar imposing 10 times penalty on the B. Memo in respect of the land in their possession. The Revenue Divisional officer has called for the records and after going through the agreement dated 12.2.1954 has found their possession as legal and dropped the proceedings. Further, the Revenue Divisional Officer requested the Collector through letter dated 30.5.1980 in proceedings No.B1-2151/79 to issue further instructions for regularizing the possession and for disposal of the case. When no action was taken by the respondents, they represented the matter to the Government and the Government through proceedings Memo No.3966/VI/82 dated 19.12.1983 has suggested to assign the land of an extent of Ac.10-00 to them in which they were in possession in lieu of patta land sub merged due to formation of the tank and the petitioners were directed to approach the Collector for final orders. In spite of this, till date, neither compensation is paid for the entire land of Ac.26.18 guntas nor Ac.10.00 of land was conferred by way of issuing patta in lieu of Ac.20-00 sub merged land as per the orders of the Government. However, taking advantage of the situation time and again the Government officials are threatening the petitioner. Hence, he approached this Court by filing the present writ petition.

The 1st and 2nd respondents filed a detailed counter affidavit. In the counter, it is stated that the petitioner is not a landless poor and he is not entitled for assignment. Further, it is

stated that as required by the petitioner for payment of compensation to the extent of Ac.20.00 guntas, which was submerged in Nallakunta of Marlapadu village, action has to be initiated by the Executive Engineer, (I.B), Khammam. Except this, nothing has been stated.

The 3rd respondent has not filed any counter. The 1st and 2nd respondents merrily shifted the burden on the 3rd respondent. After 52 years, they stated that it is for the 3rd respondent to initiate proceedings in respect of submerged lands in the tank. They have ignored the orders passed by the Government in the year 1983 and did not take any action. This is nothing but harassing the petitioner without taking any decision by the appropriate authority for the last 52 years.

Under those circumstances, the 1st respondent is directed to look into the matter relating to this case including the memo issued by the Government of A.P. in 1983 and pass appropriate orders transferring these lands in S.No.1031/2 to an extent of Ac.10-00, which is admittedly in possession of the petitioner for the last 52 years, and conferring patta on him in lieu of Ac.20-00 of land submerged in the Nallakunta Tank of Mrlapadu village and also direct the concerned authorities to initiate land acquisition proceedings for the rest of the land Ac.6.18 Guntas and pay compensation as per law. The 1st respondent shall complete this exercise within a period of three months from the date of receipt of a copy of this order. It is needless to mention that the 1st respondent or any other respondents shall not consider this as a case of assignment of land in favour of landless poor. They shall only consider transfer of patta in lieu of Ac.20-00 of land sub

merged in the Nallakunta tank out of 26.18 guntas.

Writ petition is disposed of accordingly. No costs.

30.06.2006

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